

United States
Circuit Court of Appeals
For the Ninth Circuit.

In the Matter of

TSUGIO MIYAZONO,

On Habeas Corpus.

TSUGIO MIYAZONO,

Appellant,

vs.

WALTER E. CARR, District Director, District No. 31,
Immigration Service,

Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for the Southern
District of California, Central Division.

FILED

MAY 4 - 1931

PAUL P. O'BRIEN,
CLERK

No.

United States
Circuit Court of Appeals
For the Ninth Circuit.

In the Matter of

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Appellant,

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original record are printed literally in italic; and, likewise, cancelled matter appearing in the original record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italics the two words between which the omission seems to occur.]

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Names and Addresses of Attorneys.

For Appellant :

LEO B. WAYLAND, Esq.,
Black Building, Los Angeles, California.

For Appellee :

SAMUEL W. McNABB, Esq.,
United States Attorney ;
MILO E. ROWELL, Esq.,
Assistant United States Attorney,
Federal Building, Los Angeles, California.

UNITED STATES OF AMERICA, SS:

To WALTER E. CARR, District Director, District No. 31, Immigration Service.—GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be held at the City of San Francisco, in the State of California, on the 21st day of April, A. D. 1931, pursuant to an Order Allowing Appeal filed in the Clerk's Office of the District Court of the United States, in and for the Southern District of California, in that certain matter to-wit: Appeal from Judgment and Order, heretofore entered on the 13th. day of March, 1931, by Honorable William P. James, Judge of the United States District Court, discharging Writ of Habeas Corpus in the matter of TSUGIO MIYAZONO and remand for custody therein. and you are.....to show cause, if any there be, why the errors complained of in the said judgment and order mentioned, should not be corrected, and speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable Wm. P. James United States District Judge for the Southern District of California, this 23rd day of March, A. D. 1931, and of the Independence of the United States, the one hundred and fifty-fifth

Wm. P. James.

U. S. District Judge for the Southern District of California.

[Endorsed]: In the United States Circuit Court of Appeals for the Ninth Circuit Citation Received copy of within this 23d day of March, 1931. Milo E. Rowell, Asst U. S. Atty Filed Mar. 23, 1931. R. S. Zimmerman, Clerk. by L. B. Figg, Deputy Clerk.

IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN
DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

In the Matter of)	
	)	NO. 10110J.
TSUGIO MIYAZONO	)	COMPLAINT AND
	)	PETITION FOR WRIT
On Habeas Corpus	)	OF HABEAS CORPUS.

The complaint and petition of Tetsushi Shiota, next of friend of Tsugio Miyazono, hereinafter referred to as the Detained, respectfully shows:

I.

That Detained is a United States citizen of the Japanese race, a minor of the age of fourteen (14) years, and is an inhabitant and resident of the County of Los Angeles, State of California; that your petitioner *in* informed and believes, and therefore alleges that said Detained last entered the United States at San Pedro, California, on or about the 23rd. day of June, 1930, and ever since that time has been continuously a resident and an inhabitant of the United States, and has never since that time been outside of the United States.

II.

That Detained is now actually imprisoned and restrained of his liberty and detained by color of authority of the United States in the custody of Walter E. Carr, District Director, District No. 31, Immigration Service, Department of Labor of the United States of America, to-wit, in the City of San Pedro, State of California; that said imprisonment, restraint and detention are un-

lawful and illegal and the illegality thereof consists of the facts herein alleged.

III.

That the sole claim or authority by virtue of which the said Walter E. Carr, District Director, of the United States Immigration Service as aforesaid, so restrains said Detained is a certain Order issued by the Secretary of Labor of the United States on or about the 8th. day of August, 1930, ordering and directing the deportation of said Detained to Japan, solely upon the alleged charge and finding that said Detained was born in Japan and is an immigrant alien, not in possession of an unexpired visa as required by the Immigration Act of May 26, 1924, and an alien of a race ineligible to citizenship.

IV.

That no evidence was produced by the United States Immigration Service and there is no evidence in the Immigration record to sustain the charge or finding upon which the said Order of deportation is based save and except only hearsay oral testimony; direct and documentary evidence adduced before the United States Immigration Department affirmatively establishes that said Detained was born in the United States, April 19, 1916; that Detained presented a birth certificate of the County of Monterey, State of California, affirmatively establishing his said birth as of said date, birth certificate No. 132, issued at Monterey, California, August 2nd., 1916.

V.

That said charge and said finding are not nor is either of them sufficient nor state facts sufficient to warrant the deportation of said Detained.

VI.

That the Secretary of Labor of the United States and said respondent, Walter E. Carr, and those acting, in aid and assistance of them, acted unfairly, arbitrarily, and deprived said Detained of due process of law, in that the entire proceedings against said Detained, including the Order for the deportation of said Detained and hearing thereon, and the subsequent proceedings thereafter, denied him a fair hearing and deprived him of his liberty without due process of law; that all of the said deportation proceedings against said Detained are unfair and deprived him of due process of law in each and every of the following particulars, to-wit:

(a) That the Detained was taken into custody without a warrant of arrest or other authority and placed in confinement, held incommunicado without bail, and forced to make statement and statements against his will and forced to waive his right to counsel.

(b) That the Secretary of Labor and the United States Immigration Inspectors trying said Detained's case in aid and assistance of said Secretary of Labor, and said respondent, Walter E. Carr, considered evidence adduced outside the record, considered the testimony of witnesses outside the record without confronting said Detained with the witnesses, without advising Detained of the same, and without giving Detained or his counsel an opportunity to rebut the evidence or to cross-examine the witnesses.

(c) That said Secretary of Labor and said Walter E. Carr and said Immigration Inspectors considered as evidence against said Detained oral testimony of father

of Detained; that said Detained was not given an opportunity to rebut said testimony; that said Detained was not present at said hearing when said testimony was introduced; that said Detained was without counsel and that the hearing was conducted in a language in which the Detained was not conversant.

(d) That the said Secretary of Labor and said Walter E. Carr, and said Immigration Inspectors were confronted with the birth certificate of the Detained; that no evidence on the part of said respondent, Walter E. Carr, and said Inspectors was adduced to rebut said documentary evidence; that the records disclosed that the only investigation on the part of the Government in this respect confirmed the contentions of the Detained and established the fact that the said birth certificate as presented, was in fact on record in the County of Monterey as aforesaid:

VII.

That no previous application for a Writ of Habeas Corpus has been made in this matter.

VIII.

That petitioner has not in his custody or possession a copy of the Immigration records and efforts in these proceedings applicable to the deportation of said Detained, and can procure a copy thereof to file with this petition, but your petitioner prays that respondent be ordered to file with this Court certified copy of said proceedings and records and the whole thereof, and your petitioner stipulates and agrees that when said records and efforts are received and presented for consideration, said records and efforts be of the same force and effect as if filed herewith as part and parcel of this petition.

WHEREFORE, your petitioner prays that a Writ of Habeas Corpus issue out of and under the Seal of this Court, directing the said Walter E. Carr, District Director of the Immigration Service as aforesaid, to have

LET THE WRIT OF HABEAS CORPUS PRAYED FOR ISSUE RETURNABLE BEFORE THE COURT at 2 o'clock P. M., on the 8th day of September, 1930.

Pending hearing and the Order thereon, it is ordered that said Detained be released on furnishing bail in the sum of

DATED this 15th day of August, 1930.

Bail to be \$500 C. Judge.

Geo. Cosgrove
Judge.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of	)	POINTS AND
TSUGIO MIYAZONO	)	AUTHORITIES
On Habeas Corpus)	

Petitioner presents in support of his Petition the following points and authorities:

Whitefield et al vs Hanges et al (222 Fed. 745, (C. C. A. 8th. 1915);

In re: Chan Foo Lin-243 Fed.-137- (C. C. A. 6th. 1917);

Ex parte Cheung Tung 292-Fed.-997, (D. C. W. D. Wash. 1923);

Ungar vs Seaman-4 Fed.-(2d) 80, (C. C. A. 8th. 1924);

Leo B. Wayland,
Attorney for Petitioner.

[Endorsed]: No. 10110-J. In the District Court of the United States, in and for the Southern District of

California, Central Division. In the matter of Tsugio Miyazono on Habeas Corpus. Filed Aug. 15, 1930. R. S. Zimmerman, Clerk by W. E. Gridley, Deputy Clerk. Leo B. Wayland, Esq., attorney for petitioner, 600 Black Building, Los Angeles, California. FAber—1946.

WRIT OF HABEAS CORPUS

DISTRICT COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

IN THE MATTER OF)
TSUGIO MIYAZONO) No. 10110-J Crim.
ON HABEAS CORPUS)

THE PRESIDENT OF THE UNITED STATES

To WALTER E. CARR, District Director, District
No. 31, Immigration Service, Los Angeles, Cali-
fornia—GREETING:

YOU ARE HEREBY COMMANDED to have the
body of TSUGIO MIYAZANO, by you imprisoned, by
whatever name he shall be called, the petitioner for a
Writ of Habeas Corpus in the above-entitled case, before
the above-entitled Court and the Honorable WM. P.
JAMES, Judge of said Court, at the court room of said
Court in the City of Los Angeles, California, on the 8th
day of September, 1930, at 2 P. M., to do and receive

what shall then and there be commanded in the premises,
and have you then and there this writ.

WITNESS The Honorable GEO. COSGROVE,
Judge of the said United States District Court,
for the Southern District of California, Central
Division.

Dated: August 15, 1930

[Seal]

R. S. ZIMMERMAN

Clerk.

By W. E. Gridley

W. E. Gridley

Deputy Clerk.

[Endorsed]: Marshal's Crim. Doc. No. 26667 Filed
Aug. 21, 1930. R. S. Zimmerman, Clerk by W. E.
Gridley, Deputy Clerk.

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IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN
DISTRICT OF CALIFORNIA
CENTRAL DIVISION

In the Matter of	)	No. 10110-J.
TSUGIO MIYAZONO	)	RETURN TO WRIT OF
On Habeas Corpus	)	HABEAS CORPUS

I, Walter E. Carr, District Director of Immigration,
at Los Angeles, California, Respondent herein, for my
Return to Writ of Habeas Corpus issued herein, hereby

certify that the alien, TSUGIO MIYAZONO, is not actually imprisoned and restrained of his liberty by me as alleged in the Petition for Writ of Habeas Corpus, but that the said TSUGIO MIYAZONO is at liberty under bond fixed by this Honorable Court. Respondent therefore is unable to produce the body of said TSUGIO MIYAZONO before this Honorable Court this 8th. day of September, 1930. While denying that the aforesaid TSUGIO MIYAZONO is actually imprisoned and restrained of his liberty by Respondent, Respondent admits that he was holding the aforesaid TSUGIO MIYAZONO for return to Japan, his native country, the said TSUGIO MIYAZONO having been excluded from admission to the United States by the Board of Special Inquiry at San Pedro, California, on the 16th. day of July, 1930, the appeal taken from the aforesaid excluding decision of the Board of Special Inquiry having been dismissed by the Secretary of Labor on the 4th day of August, 1930.

Walter E. Carr

Walter E. Carr

District Director of Immigration

Respondent.

[Endorsed]: No. 10110-J In the District Court of the United States, for the Southern District of California (Central Division). In the matter of Tsugio Miyazono on Habeas Corpus. Return to Writ of Habeas Corpus. Recieved copy of within Return this 8th day of Sept. 1930. Leo B. Wayland. Filed Sep. 8, 1930. R. S. Zimmerman Clerk, by W. E. Gridley, Deputy Clerk.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

IN RE TSUGIO MIYAZONO) No. 10110-J-Cr.

MEMORANDUM OPINION, AND ORDER

A petition is presented on behalf of Tsugio Miyazono, a Japanese person, who was at the time of his arrest by immigration officers in June, 1930, of the age of fourteen years. He arrived by steamer from Japan on June 23, 1930, accompanying his father and elder brother. The father had been domiciled in the United States and was entitled to return here. The elder brother was born in the United States. The facts, as the examining board determined them to be, and the evidence was ample to support the findings, were as follows:

The father entered the United States at Seattle in the year 1900. He at all times has been of the laboring class. He was married to a Japanese woman, who entered at San Francisco as his "picture bride" in July, 1912. The couple thereafter resided in Monterey County, California. While there residing in the years following a son and daughter were born. In November, 1915, the husband, accompanied by his wife and son and daughter, departed for Japan, where the husband and wife remained about six months. During their stay in Japan, and in April, 1916, Tsugio Miyazono, the son named in the petition herein, was born. The three children were left in Japan upon the return of their parents to the United States. The wife later died in the United States sometime after a second daughter was born. The father testified that

Tsugio Miyazono had latterly been living with his second wife in Japan prior to his being brought in on the trip now in question.

On these facts the question at issue is easily determined. The alien seeking admission was born of Japanese parents in Japan, was of the Japanese race and therefore ineligible to citizenship. He fell within none of the accepted classes. He was not entitled to be admitted.

The writ is discharged and the alien remanded to the custody of the immigration officers.

Dated March 13, 1931.

Wm. P. James,
U. S. District Judge.

[Endorsed]: No. 10110-J. U. S. District Court, Southern District of California. In Re Tsugio Miyazono. Memorandum Opinion, and Order. Filed Mar. 13, 1931. R. S. Zimmerman, Clerk, by Murray E. Wire, Deputy Clerk.



UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

In the Matter of	)	No. 10110-J.
TSUGIO MIYAZONO	)	PETITION FOR
On Habeas Corpus	)	APPEAL.

Now comes TSUGIO MIYAZONO, Petitioner and Appellant, through his next of friend, TETSUSHI SHIOTA, by his attorney and says:

That on the 13th. day of March, 1931, the above entitled Court made and entered its Order discharging a Writ of

Habeas Corpus in said case, heretofore issued on the 8th. day of September, 1930, in which said Order certain errors were made to the prejudice of the Appellant herein, all of which more fully appear from the Assignment of Errors filed herewith.

WHEREFORE, the Appellant prays that an Appeal may be granted in his behalf to the Circuit Court of Appeals of the United States for the Ninth Circuit thereof, for the correction of the errors so complained of, and further, that a transcript of the record, proceedings and papers, in the above entitled cause as shown by the praecipe duly authenticated may be sent and transmitted to the United States Circuit Court of Appeals for the Ninth Circuit; and further, that execution and remand be stayed pending the hearing of said cause in said United States Circuit Court of Appeals for the Ninth Circuit.

DATED at Los Angeles, California, this 23rd. day of March, 1931.

Leo B. Wayland
Attorney for Petitioner and Appellant.

[Endorsed]: Orig. In the District Court of the United States, In and for the Southern District of California, Central Division. In the matter of Tsugio Miyazono on Habeas Corpus (Petition for appeal). Filed Mar. 23, 1931. R. S. Zimmerman, Clerk, by L. B. Figg Deputy Clerk. Leo B. Wayland, Esq., Attorney for petitioner and appellant. 600 Black Building, Los Angeles, California, FAber-1946.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

In the Matter of) No. 10110-J.
TSUGIO MIYAZONO) ASSIGNMENT OF
On Habeas Corpus) ERRORS.

Comes now TSUGIO MIYAZONO, through his next of friend TETSUSHI SHIOTA, by his attorney in connection with his Petition for an Appeal and assigns the following errors which he avers occurred upon the hearing of the above entitled matter and upon which he will rely upon appeal, to-wit:

FIRST: That the learned Court erred in holding that the Board of Special Inquiry and the Secretary of Labor could legally exclude the Applicant upon the grounds stated in said Order of Exclusion.

SECOND: That the learned Court erred in discharging said Writ and remanding said Applicant to the Immigration Officers.

THIRD: That the learned Court erred in holding that the Applicant fell within none of the excepted classes.

FOURTH: That the learned Court erred in holding that Applicant was not entitled to be admitted.

FIFTH: That said Judgment and Order of the above entitled Court was contrary to law.

SIXTH: That said Judgment and Order entered therein was not supported by the evidence.

SEVENTH: That the Judgment and Order entered therein was contrary*to the evidence.

WHEREFORE, Appellant prays that the Judgment and Order of the District Court be reversed and that the

cause be remanded and that Applicant be discharged from the custody of the Immigration Officers.

Leo B. Wayland,
Attorney for Petitioner and Appellant.

[Endorsed]: Orig. In the District Court of the United States, in and for the Southern District of California, Central Division. In the Matter of Tsugio Miyazono on Habeas Corpus (Assignment of Errors). Filed Mar. 23, 1931. R. S. Zimmerman, Clerk, by L. B. Figg Deputy Clerk. Leo B. Wayland, Esq., Attorney for petitioner and appellant, 600 Black Building, Los Angeles, California, FAber-1946.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

In the Matter of	)	No. 10110-J.
	)	ORDER ALLOWING
TSUGIO MIYAZONO	)	PETITION FOR
	)	APPEAL
On Habeas Corpus)	

On this 23rd day of March, 1931, comes TSUGIO MIYAZONO, through his next of friend, TETSUSHI SHIOTA, by his attorney and having previously filed herein and presented to this Court his Petition praying for allowance of Appeal intended to be urged and prosecuted by him and praying also that a transcript of the record, proceedings and papers, on which Judgment was herein rendered duly authenticated, may be sent to United States Circuit Court of Appeals for the Ninth Circuit, and

that each other and further proceeding may be had in the premises as may seem proper;

ON CONSIDERATION WHEREOF, the Court hereby allows the Appeal herein prayed for and orders execution and remand stayed pending the hearing of the said cause in the United States Circuit Court of Appeals for the Ninth Circuit.

Pending the hearing of said Appeal, it is ordered that the Applicant be released on furnishing bail in the sum of \$500—

DATED at Los Angeles, California, this 23 day of March, 1931.

Wm. P. James
United States District Judge.

[Endorsed]: Orig. In the District Court of the United States, in and for the Southern District of California, Central Division. In the matter of Tsugio Miyazono on Habeas Corpus. (Order Allowing Petition for Appeal) Filed Mar. 23, 1931 R. S. Zimmerman, Clerk, by L. B. Figg Deputy Clerk Leo B. Wayland, Esq., Attorney for petitioner and appellant, 600 Black Building, Los Angeles, California. FABer-1946.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

In the Matter of) No. 10110-J.
TSUGIO MIYAZONO) NOTICE OF APPEAL.
On Habeas Corpus)

TO THE Clerk of the above entitled Court, and to Honorable Samuel W. McNabb, United States Attorney for the Southern District of California:

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE, that TSUGIO MIYAZONO, through his next

of friend, TETSUSHI SHIOTA, by his attorney, does hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the Order and Judgment heretofore made and entered on the 13th. day of March, 1931, discharging the Writ of Habeas Corpus heretofore issued in said cause.

Leo B. Wayland

Attorney for Petitioner and Appellant.

[Endorsed]: Orig. In the District Court of the United States, In and for the Southern District of California, Central Division. In the Matter of Tsugio Miyazono on Habeas Corpus. Notice of Appeal. Filed Mar. 23, 1931. R. S. Zimmerman, Clerk, by L. B. Figg, Deputy Clerk. Leo. B. Wayland, Esq., Attorney for petitioner and appellant. 600 Black Building, Los Angeles, California, FAber-1946.

IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN
DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

In the Matter of	)	No. 10110-J.
	)	STIPULATION
TSUGIO MIYAZONO,	)	REGARDING
	)	ORIGINAL RECORDS
On Habeas Corpus.	)	AND FILES OF
	)	DEPARTMENT OF
_____	)	LABOR.

IT IS HEREBY STIPULATED AND AGREED by and between Leo B. Wayland, Attorney for Tsugio Miyazono, appellant, and S. W. McNabb, Attorney for Walter

E. Carr, District Director of the Immigration Service, Appellee, that the original files and records of the Department of Labor covering the deportation proceedings against the petitioner, which were filed in the hearing in the above entitled cause, may be by the Clerk of this court sent up to the Clerk of the Circuit Court of Appeals for the Ninth Circuit, as part of the Appellate record, in order that the said original immigration files may be considered by the Circuit Court of Appeals for the Ninth Circuit in lieu of a certified copy of said records and files and that said original records may be transmitted as part of the Appellate record.

DATED: March 27, 1931.

Leo B. Wayland

Attorney for Petitioner and Appellant.

Samuel W. McNabb

U. S. Attorney.

Milo E. Rowell

By Harry Graham Balter

Assistant U. S. Attorney

Attorney for Respondent.

[Endorsed]: Orig. In the District Court of the United States, in and for the Southern District of California, Central Division. In the Matter of Tsugio Miyazona, on Habeas Corpus. Stipulation Regarding Original Records and Files of Department of Labor. Filed Mar. 27, 1931. R. S. Zimmerman, Clerk, by Edmund L. Smith, Deputy Clerk. Leo B. Wayland, Esq., 600 Black Building, Los Angeles, California, FAber-1946 Attorney for petitioner and appellant.

IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN
DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

In the Matter of)	
	)	No. 10110-J.
TSUGIO MIYAZONO,	)	ORDER FOR
	)	TRANSMISSION OF
On Habeas Corpus.	)	ORIGINAL EXHIBITS.
<hr/>)	

ON STIPULATION OF COUNSEL, it is by the court ordered that the original records of the United States Immigration office filed herein on the hearing of the return of the respondent, Walter E. Carr, District Director of the United States Immigration Service, to the writ of habeas corpus, be transmitted by the Clerk of this court to the United States Circuit Court of Appeals for the Ninth Circuit, as original exhibits in lieu of a certified copy of said records and files and that the same need not be printed.

DATED: March 27, 1931.

Wm. P. James.

United States District Judge.

[Endorsed]: Orig. In the District Court of the United States, in and for the Southern District of California, Central Division. In the Matter of Tsugio Miyazono on Habeas Corpus. Order for Transmission of Original Exhibits. Filed Mar. 27, 1931. R. S. Zimmerman, Clerk, by Edmund L. Smith, Deputy Clerk. Leo B. Wayland, Esq., attorney for petitioner and appellant, 600 Black Building, Los Angeles, California, FAber-1946.

IN THE UNITED STATES DISTRICT COURT IN
AND FOR THE SOUTHERN DISTRICT OF
CALIFORNIA CENTRAL DIVISION

IN THE MATTER OF THE)	
APPLICATION OF)	COST BOND ON
TSUGIO MIYAZONO)	APPEAL
For Writ of Habeas Corpus)	Case #10110-J
_____)	

KNOW ALL MEN BY THESE PRESENTS:

That the Undersigned, UNION INDEMNITY COMPANY, a corporation of New Orleans, Louisiana is held and firmly bound unto the United States of America, in the full and just sum of TWO HUNDRED FIFTY AND NO/100 (\$250.00) Dollars to be paid to the United States of America, or their Attorney, executors, administrators or assigns to which payment well and truly to be made, we bind ourselves our heirs, executors and administrators jointly and severally, firmly by these presents.

SEALED with our seals and dated this 25th day of March, 1931.

WHEREAS, lately the United States District Court for the Southern District of California, Central Division, in a habeas corpus proceeding in the said Court between the petitioner, Tsugio Miyazono, and the respondent, WALTER E. CARR, District Director of Immigration as aforesaid, wherein an order, judgment and decree was rendered against the said Tsugio Miyazono discharging the writ of habeas corpus and remanding the said petitioner, Tsugio Miyazono, to the custody of respondent, Walter E. Carr, and the said Tsugio Miyazono having obtained from the said Court an appeal to reverse the said order, judgment and decree in the aforesaid habeas corpus proceeding, and a Citation directed to the said Walter E. Carr, District Director of Immigration as aforesaid, citing and admonishing him to be and appear

at the United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, State of California, on the 21st day of April, 1931.

NOW THE CONDITION of the above obligation is such that if the said Tsugio Miyazono shall prosecute his appeal to effect and answer all costs if he fails to make his plea good, then the above obligation to be void; otherwise to remain in full force and virtue.

UNION INDEMNITY COMPANY

[Seal]

By B. S. FRENCH

I hereby approve the foregoing bond

Dated the 26 day of Mar. 1931

R. S. Zimmerman, Clerk U. S. District Court,
Southern District of California

By R. S. Zimmerman

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

On this 25th day of March, in the year one thousand nine hundred and Thirty-one before me, BLANCHE CALLAHAN, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared B. S. FRENCH known to me to be the duly authorized Attorney-in-fact of the UNION INDEMNITY COMPANY and the same person whose name is subscribed to the within instrument as the Attorney-in-fact of said Company, and the said B. S. FRENCH duly acknowledged to me that he subscribed the name of the UNION INDEMNITY COMPANY thereto as Surety and his own name as Attorney-in-fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

[Seal]

Blanche Callahan

Notary Public in and for Los Angeles
County, State of California

[Endorsed]: No. 10110-J United States District Court Southern District of California Central Division In the Matter of Tsugio Miyazono Cost Bond Undertaking on Appeal Under Writ of Habeas Corpus Filed Mar 26 1931 R. S. Zimmerman, Clerk By L. B. Figg, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT WITHIN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA CENTRAL DIVISION

In the Matter of)	
)	
TSUGIO MIYAZONO,	)	No. 10110-J
	)	BAIL BOND ON
On Habeas Corpus.	)	APPEAL.
_____)	

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, UNION INDEMNITY COMPANY, is held and firmly bound unto the United States of America, in the full and just sum of FIVE HUNDRED DOLLARS (\$500.00), to be paid to the United States of America, or their certain attorney, executors, administrators or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators jointly and severally by these presents.

SEALED with our seals and dated this 25th day of March, 1931.

WHEREAS, lately the District Court of the United States, for the Southern District of California, Central Division, in a habeas corpus proceeding in the said Court between petitioner, Tsugio Miyazono, and the respondent, Walter E. Carr, District Director of Immigration as aforesaid, wherein an order, judgment and decree was

rendered against the said Tsugio Miyazono, discharging the writ of habeas corpus and remanding the said alien, Tsugio Miyazono, to the custody of respondent, Walter E. Carr; and the said Tsugio Miyazono having obtained from the said Court an appeal to reverse the order, judgment and decree in the aforesaid habeas corpus proceeding, and a Citation directed to the said Walter E. Carr, District Director of Immigration as aforesaid, citing and admonishing to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, State of California, on the 21st day of April, 1931.

NOW, the condition of the above obligation is such that if the said order, judgment or decree be affirmed, the said Tsugio Miyazono will surrender himself to Walter E. Carr, District Director of Immigration as aforesaid, then this recognizance be void; otherwise, to remain in full force and virtue.

UNION INDEMNITY COMPANY

[Seal]

By B. S. FRENCH

Its Attorney-in-Fact

I hereby approve the foregoing bond.

Dated the 26 day of March 1931

Wm. P. James, Judge

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES,) ss.

On this 25th day of March, in the year one thousand nine hundred and Thirty-one before me, BLANCHE CALLAHAN, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared B. S. FRENCH known to me to be the duly authorized Attorney-in-fact of the UNION INDEMNITY COMPANY and the same person whose name is subscribed to the within instrument as the Attor-

ney-in-fact of said Company, and the said B. S. FRENCH duly acknowledged to me that he subscribed the name of the UNION INDEMNITY COMPANY thereto as Surety and his own name as Attorney-in-fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

[Seal]

Blanche Callahan
Notary Public in and for Los Angeles
County, State of California

[Endorsed]: No. 10110-J In the United States District Court within and for the Southern District of California, Central Division In the Matter of Tsugio Miyazono Bail Bond on Appeal Undertaking on Appeal under Writ of Habeas Corpus Filed Mar 26 1931 R. S. Zimmerman, Clerk By L. B. Figg, Deputy Clerk.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA CENTRAL DIVISION.

In the Matter of)
)
 TSUGIO MIYAZONO,) No. 10110-J.
) PRAECIPE FOR
) TRANSCRIPT OF
 On Habeas Corpus.) RECORD ON APPEAL.
_____)

TO THE CLERK OF THE ABOVE ENTITLED COURT:

You will please prepare and duly authenticate the transcript and following portions of the record in the above entitled case for appeal of the said appellant heretofore filed with the United States Circuit Court of Appeals, for the Ninth Circuit:

1. Complaint and petition for Writ of Habeas Corpus.
 2. Order granting Writ of Habeas Corpus, and regarding custody of Tsugio Miyazono pending hearing thereon.
 3. Writ of Habeas Corpus.
 4. Return to Writ of Habeas Corpus.
 5. Minute Order.
 6. Judgment and Order Discharging Writ of Habeas Corpus and Remanding Tsugio Miyazono.
 7. Petition for Appeal.
 8. Order Allowing Appeal and Fixing Custody of Tsugio Miyazono.
 9. Notice of Appeal.
 10. Assignments of Error.
 11. Stipulation that Original Files and Records in the Department of Labor be sent to the Clerk of the Circuit Court as part of the Appellate Record.
 12. Order for Transmission of Original Exhibits.
 13. Cost Bond on Appeal, and Bail Bond on Appeal.
 14. Citation.
 15. This Praecipe.
- DATED: March 27, 1931.

Leo B. Wayland

Attorney for Petitioner and Appellant.

[Endorsed]: Orig. In the District Court of the United States, in and for the Southern District of California, Central Division. In the Matter of Tsugio Miyazono on Habeas Corpus. Praecipe for Transcript of Record on Appeal. Filed Mar. 27, 1931. R. S. Zimmerman, Clerk by Edmund L. Smith, Deputy Clerk. Leo B. Wayland, Esq., attorney for petitioner and appellant, 600 Black Building, Los Angeles, California, FAber-1946

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA CENTRAL DIVISION.

_____))	
In the Matter of))	
TSUGIO MIYAZONO, )	)	CLERK'S
On Habeas Corpus. )	)	CERTIFICATE
_____))	

I, R. S. Zimmerman, clerk of the United States District Court for the Southern District of California, do hereby certify the foregoing volume containing 26 pages, numbered from 1 to 26 inclusive, to be the Transcript of Record on Appeal in the above entitled cause, as printed by the appellant, and presented to me for comparison and certification, and that the same has been compared and corrected by me and contains a full, true and correct copy of the citation; complaint and petition for writ of habeas corpus; order allowing writ of habeas corpus; writ of habeas corpus; return to writ of habeas corpus; opinion and order; petition for appeal; assignment of errors; order allowing appeal; notice of appeal; order for transmission of original exhibits; cost bond on appeal; bail bond on appeal and praecipe.

I DO FURTHER CERTIFY the fees of the Clerk for comparing, correcting and certifying the foregoing Record on Appeal amount to.....and that said amount has been paid me by the appellant herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the District Court of the United States of America, in and for the Southern District of California, Central Division, this..... day of April in the year of Our Lord One Thousand Nine Hundred and Thirty-one, and of our Independence the One Hundred and Fifty-fifth.

R. S. ZIMMERMAN,

Clerk of the District Court of the
United States of America, in and
for the Southern District of Cali-
fornia.

By

Deputy.